

1 MICHAEL COSENTINO, SBN 83253  
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3 Telephone: (510) 523-4702  
4 Attorney for Plaintiff  
5 United States of America

FILED

AUG 6 - 2008

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA NO. CV 08-2498

12 Plaintiff, DECLARATION FOR  
13 v. JUDGMENT ON DEFAULT

14 NICHOLAS R. DARPINO aka  
15 NICK R. DARPINO aka NICK DARPINO,  
16 Defendant.

17 I, MICHAEL COSENTINO, declare:

18 1. I am the attorney for the plaintiff in the above-entitled action.

19 2. This declaration is made on behalf of plaintiff.

20 3. From the files and records and other information in this case, declarant is  
21 informed and believes that the defendant's place of residence is at 1928 TRENTON  
22 DRIVE, SAN JOSE, CA 95124.

23 4. Defendant is not an infant or incompetent person and not in the military service of  
24 the United States within the meaning of the Soldiers' and Sailors' Civil Relief Act of 1940,  
25 as amended, or otherwise entitled to the benefits of said Act.

26 5. Subsequent to the date of the Certificate of Indebtedness, a copy of which is  
27 attached hereto and made a part hereof as Exhibit A, \$0 in payments have been made to  
28 the account; there is now due and owing to the plaintiff from the defendant the sum of

1 \$1,504.63 principal, plus \$896.61 additional interest, \$0 administrative costs, \$55.00 court  
2 costs, and \$501.04 as attorney fees.

3 WHEREFORE, declarant requests that judgment be entered on behalf of the plaintiff  
4 and against the defendant in the sum of \$2,456.24 plus post judgment interest at the legal  
5 rate per annum, pursuant to the provisions of 28 USC Sec. 1961(a), which will be  
6 compounded annually pursuant to the provisions of 28 USC Sec. 1961(b).

7 I declare under penalty of perjury that the foregoing is true and accurate to the best  
8 of my knowledge, information and belief.

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10 Dated: August 5, 2008

  
MICHAEL COSENTINO  
Attorney for the Plaintiff

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28 DECLARATION FOR JUDGMENT OF DEFAULT

**U.S. DEPARTMENT OF EDUCATION  
SAN FRANCISCO, CALIFORNIA**

**CERTIFICATE OF INDEBTEDNESS**

Nicholas R. Darpino  
 AKA Nick R. Darpino, Nick Darpino  
 1928 Trenton Dr.  
 San Jose, CA. 95124-1541  
 SSN: -5375

I certify that Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 9/27/06.

On or about 7/26/84, the borrower executed promissory note(s) to secure loan(s) of \$2,500.00 from Citibank (N.Y.S.) N.A., Rochester, NY. at 8.00 percent interest per annum. This loan obligation was guaranteed by California Student Aid Commission/Ed Fund and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et. seq. (34 CFR Part 682). The holder demanded payment according to the terms of the note(s), and credited \$122.16 to the outstanding principal owed on the loan(s). The borrower defaulted on the obligation on 2/8/89, and the holder filed a claim on the guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$2,581.62 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. The guarantor attempted to collect the debt from the borrower. The guarantor was unable to collect the full amount due, and on 8/4/93, assigned its right and title to the loan(s) to the Department.

Since assignment of the loan, the Department has received a total of \$3,166.37 in payments from all sources, including Treasury Department offsets, if any. After application of these payments, the borrower now owes the United States the following:

Principal	\$1,504.63
Interest:	\$ 673.20
Administrative/Collection Costs:	\$ 0.00
Late Fees:	\$ 0.00
 Total debt as of 9/27/06:	 \$2,177.83

Interest accrues on the principal shown here at the rate of \$0.33 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 10/06/06

Name: Alberto Francisco  
 Title: Loan Analyst  
 Branch: Senior Loan Analyst  
Litigation

**EXHIBIT A**